



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

ATLANTIC COAST LINE R. CO. v. NEWTON.

Jan. 13, 1916.

[87 S. E. 618.]

1. Trial (§ 253*)—Instructions—Directed Verdict.—An instruction directing a verdict must state a complete case.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 613-623; Dec. Dig. § 253.* 13 Va.-W. Va. Enc. Dig. 627.]

2. Trial (§ 253*)—Instructions—Ignoring Issues.—An instruction undertaking to cover the whole case, and to state all the circumstances necessary, is erroneous, if it omits an essential element.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 613-623; Dec. Dig. § 253.* 13 Va.-W. Va. Enc. Dig. 627.]

3. Master and Servant (§§ 265, 269*)—Injuries to Servant—Liability of Master.—The mere proof that a telephone operator was injured by a high current of electricity carried through the machine will not establish the liability of the master, which must be shown by some independent evidence; but the circumstances attending the accident may be considered in determining the cause of the injury.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 877-908, 912, 955; Dec. Dig. §§ 265, 269.* 9 Va.-W. Va. Enc. Dig. 721.]

4. Trial (§ 253*)—Instructions—Ignoring Evidence.—A telegraph and telephone operator of a railroad company was injured by a heavy current of electricity, which was carried into the telephone instrument while he was using it. It was contended that the lightning arresters were not properly constructed, or maintained in a state of efficiency. Defendant requested instructions charging that, if the injuries were not caused by a violent concussion produced in or at the telephone itself, or by a current of electricity passing through the instrument, they should find a verdict for the defendant, although they might believe that the operator was injured by a discharge of lightning, which reached him through some other of the wires or appliances of defendant, and that the jury could not find for plaintiff unless they should believe from the evidence that a current of electricity had ruptured and exploded one or more of the lightning arresters and then passed into the telephone instrument, where it detonated, injuring the operator. Held, that the instructions were

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

properly refused, for they in substance directed a verdict upon a partial and inadequate statement of facts, depriving the jury of consideration of all of the circumstances of the case.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 613-623; Dec. Dig. § 253.* 13 Va.-W. Va. Enc. Dig. 629.]

5. Master and Servant (§ 293*)—Injuries to Servant—Actions—Instructions.—In such case plaintiff's instruction, that if the lightning arresters were devices which, when in proper condition, would have afforded reasonable protection to persons using the telephone from dangerous currents of electricity, and defendant in the exercise of ordinary care could have reasonably anticipated that such lightning arresters were devices which were customarily employed by companies maintaining and operating telephone lines, for the purpose of affording protection to their operators, and if the jury should believe that while the plaintiff was engaged in the performance of his duties as a telephone operator a bolt of atmospheric lightning, or other excessive and dangerous current of electricity finding access to the telephone line from a source which the defendant, in the exercise of ordinary care and prudence, would reasonably have anticipated, by reason of such defective condition entered the machine and injured plaintiff, is not erroneous, as allowing the jury to enter the realms of conjecture and find against defendant on negligence not pleaded, for the only dangerous currents of electricity there have been were either lightning or a current generated for carrying messages, and the negligence pleaded, which was set forth in the instruction, was a failure to keep the lightning arresters in proper condition, with a sufficient ground connection.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 1148-1156, 1158-1160; Dec. Dig. § 293.* 9 Va.-W. Va. Enc. Dig. 718.]

6. Appeal and Error (§ 1002*)—Review—Verdict.—The Supreme Court of Appeals will not, where the evidence in support of the verdict is not contrary to physical facts, review a verdict on conflicting evidence.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3935-3937; Dec. Dig. § 1002.* 1 Va.-W. Va. Enc. Dig. 437.]

7. Master and Servant (§§ 101, 102*)—Injuries to Servant—Duty of Master.—While a railroad company does not owe to its telephone and telegraph operator the degree of care which a telephone company owes its patrons, yet it is bound to furnish him with a reasonably safe place in which to work, and in handling the dangerous agency of electricity should use reasonable care.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

§§ 135, 171, 174, 178-184, 192; Dec. Dig. § 101, 102.* 9 Va.-W. Va. Enc. Dig. 674.]

Error to Circuit Court, Greenville County.

Action by I. B. Newton against the Atlantic Coast Line Railroad Company. There was a judgment for plaintiff, and defendant brings error. Affirmed.

Mm. B. McIlwaine, of Petersburg, and *Hamilton & Mann*, of Laredo, for plaintiff in error.

Buford, Lewis & Peterson, of Lawrenceville, for defendant in error.

COMMONWEALTH ex rel. CITY OF RICHMOND *v.* CHESAPEAKE & O. RY. CO. et al.

SAME *v.* VIRGINIA RY. & POWER CO. et al.

Jan. 13, 1916.

[87 S. E. 622.]

1. Statutes (§ 121*)—Titles—Subject of Act—"Object."—Acts 1914, c. 135, providing for the assessment of rolling stock of railroads as apportioned among the several counties, cities, and towns of the state, and requiring the State Corporation Commission annually to apportion such rolling stock and certify the amounts to the taxing bodies in the various governmental subdivisions, and authorizing the taxing bodies to levy taxes upon the amounts of rolling stock so certified for local purposes, and requiring the payment of the taxes by the railroads, does not violate Const. art. 4, § 52, providing that no law shall embrace more than one object, which shall be expressed in its title, since, although the act indicates by its title only that it relates to the assessment for local taxation of the rolling stock of railroad corporations, the purpose is nevertheless to accomplish the assessment of such property for local taxation, to do which all the provisions of the state were necessary, and the word "object," as employed in the statute, must be construed to mean purpose of the statute.

[Ed. Note.—For other cases, see Statutes, Cent. Dig. §§ 146, 173, 174; Dec. Dig. § 121.*]

For other definitions, see Words and Phrases, First and Second Series, Object. 12 Va.-W. Va. Enc. Dig. 751.]

2. Statutes (§ 105*)—Construction—Constitutional Provisions.—While Const. art. 4, § 52, providing that no act shall embrace more than one object, which must be stated in the title, is mandatory, it

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.